

REMARKS

Reconsideration and allowance are respectfully requested in light of the above amendments and the following remarks.

Claims 1, 5, 6, 11 and 12 remain pending herein. Claim 1 has been further amended to delete certain compounds that were previously recited.

Applicants acknowledge with appreciation the indication in the current Office Action that prosecution has been reopened and that the current Office Action is non-final.

Claims 1, 11, and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ito et al. (U.S. Patent 6,124,057, hereafter "Ito"). Claims 1, 11 and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over JP 9-180758. Claims 1, 11 and 12 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over EP 880187. Claim 5 is rejected under 35 U.S.C. §103(a) over EP 880187, JP 9-180758 or Ito as applied to claims 1, 11 and 12 above and further in view of Iwata et al. (U.S. 6,168,888 hereafter "Iwata"). Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over EP 880187, JP 9-180758 or Ito as applied to claims 1, 11 and 12 above and further in view of Wang et al. (U.S. 5,532,084, hereafter "Wang"). Applicants respectfully traverse these grounds of rejection.

The rejections based on USPN 6,124,057 to Ito are traversed under 35 U.S.C. 103(c) which provides that subject matter developed by another which qualifies as "prior art" only under 35 U.S.C. 102 (e), (f) or (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. 103, provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

Each of claims 1, 11 and 12 stands rejected under 35 USC 103(a) as unpatentable over USPN 6,124,057 to Ito, which is owned by the Assignee of the present application. Ito qualifies as a reference only under 35 USC 102(e)/103(a). The Applicants confirm that both Ito and the present application were owned by the present Assignee at the time the present invention was made. Thus, the present art rejections of claims 1, 11 and 12 based on Ito are overcome under 35 USC 103(c). See MPEP Section 706.02(1).

With regard to the rejection of claims 1, 11 and 12 under 35 U.S.C. §103(a) in view of JP 9-180758, the Applicants respectfully submit that because claim 1 has been amended to no longer recite Na_2CO_3 and NaHCO_3 , these claims are patentable over the reference, as there is no disclosure or suggestion in the reference that would have caused the claims to be obvious to a person of ordinary skill in the art.

In addition, it is alleged in the Office Action that JP 9-180758 discloses in the Abstract that the salt is contained in one of the space on the positive electrode sheet, the space on the negative electrode sheet, the nonaqueous electrolyte, or the space inside the battery can.

Applicants respectfully submit that JP 9-180758 fails to provide any disclosure or suggestion that a manganese ion, which dissolves out of the positive electrode, can be inhibited from forming a manganese compound of high insulation on the negative electrode, so as to improve the storage characteristics and cycle characteristics of the battery (present specification, page 4, lines 20-25). Therefore, allowance of claims 1, 11 and 12 over JP 9-180758 is warranted.

With regard to EP 880187, the Applicants respectfully submit that none of these claims would have been obvious to an artisan in view of the reference. As Na_2SiO_3 is not recited in amended claim 1, the Applicants respectfully submit that none of claims 1, 11 and 12 would have been obvious to a person of ordinary skill in the art. Therefore, allowance of claims 1, 11 and 12 in view of EP 880187 is warranted.

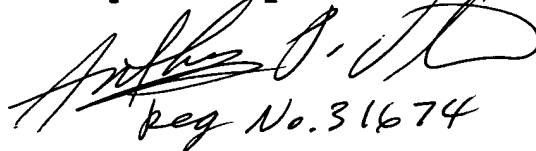
Finally, with regard to the obviousness rejections of claims 5 and 6, the Applicants respectfully submit that these claims are allowable at least because of their dependency on claim 1, which is

believed to be allowable for all of the reasons previously presented, and because of recitation of subject matter that provides an independent basis for patentability. The respective disclosures of Iwata and Wang, combined with one of JP 9-180758 or EP 880187, do not provide teachings or suggestions that would have made either claim 5 or claim 6 obvious to a person of ordinary skill in the art.

In view of the above, it is submitted that this application is in condition for allowance and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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